

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VIKAS WSP LIMITED,

Plaintiff,

vs.

ECONOMY MUD PRODUCTS
COMPANY,

Defendant.

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No. 4:13-CV-03426
(JURY DEMANDED)

**APPLICATION FOR ISSUANCE OF LETTER OF REQUEST
UNDER THE HAGUE EVIDENCE CONVENTION**

Plaintiff, Vikas WSP Limited, respectfully requests that this Court issue the Letter of Request attached as Exhibit A. This Court has already approved the parties deposing Mr. Gupta. (See ECF No. 216.)

This request is made pursuant to Federal Rule of Civil Procedure 28 and the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (“Hague Evidence Convention”), codified at 28 U.S.C. § 1781. The Letter of Request seeks assistance of the Central Authority for India to obtain testimony from Manoj Gupta.

This Court has the power to issue Vikas’s Letter of Request. The Hague Evidence Convention permits courts to “request the competent authority of another Contracting State, by means of a Letter of Requests, to obtain evidence,” which will be used in a judicial proceeding. Hague Evidence Convention, Chapter I, Article I, codified in 28 U.S.C. § 1781. India is a Contracting State under the Hague Evidence Convention. *Id.*; see also *Hague Evidence Convention, Acceptances of Accessions*, <http://www.hcch.net/upload/overview20e.pdf> (last visited September 14, 2017).

Vikas seeks testimony from Manoj Gupta regarding (a) the December 24, 2014 Settlement Agreement between Vikas and N.M. Agro Food Products Pvt. Ltd and its affiliates (collectively “N.M.”), (b) N.M.’s course of dealing and relationship with Defendant Economy Mud Products (“Economy”), and (c) payments that Vikas made to N.M. Economy has called into question the legitimacy of the Settlement Agreement between N.M. and Vikas and whether Vikas has paid N.M. as required. Mr. Gupta has firsthand knowledge regarding these issues and this testimony is necessary so that Vikas can defend itself from Economy’s counterclaim.

Accordingly, Vikas respectfully requests that this Court issue the attached Letter of Request for service to the appropriate Indian authority, with the appropriate official court seal applied thereto.

Respectfully submitted,

/s/ Scott D. Ellis

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CERTIFICATE OF SERVICE

I certify that on September 29, 2017, a copy of this document was filed through the Court's ECF system and was served upon all parties by electronic means through transmission facilities from the Court.

/s/ Scott D. Ellis

Scott D. Ellis